

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

WILLIAM G. GORITSAN and HELEN  
A. GORITSAN,

10-CV-433-HU

ORDER

Plaintiffs,

v.

NAUTILUS INSURANCE COMPANY,

Defendant.

BROWN, Judge.

Magistrate Judge Dennis J. Hubel issued Findings and Recommendation (#28) on November 16, 2010, in which he recommends the Court grant Plaintiffs' Motion for Partial Summary Judgment

(#5) and deny Defendant Nautilus Insurance Company's Cross Motion for Summary Judgment (#18). Defendant filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

In its Objections, Defendant merely "incorporates by reference" the arguments contained in its Response to Plaintiff's Motion for Summary Judgment and in its briefing in support of its Cross Motion for Summary Judgment. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#28), **GRANTS** Plaintiffs' Motion for Partial

Summary Judgment (#5), and **DENIES** Defendant Nautilus Insurance Company's Cross Motion for Summary Judgment (#18).

IT IS SO ORDERED.

DATED this 16th day of February, 2011.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge